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Remote Conference

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

18 CR 184 (VSB)

5 MARC DEMANE DEBIH,

6 Defendant.

7 -----x

8 New York, N.Y.  
9 September 3, 2020  
9:30 a.m.

10 Before:

11 HON. VERNON S. BRODERICK,

12 District Judge

13  
14 APPEARANCES

15 AUDREY STRAUSS  
16 Acting United States Attorney for the  
17 Southern District of New York

DANIEL TRACER  
17 RICHARD COOPER  
18 Assistant United States Attorney

19 SEAN BUCKLEY  
20 Attorney for Defendant Debih

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1 (Case called)

2 THE COURT: Is the government on the line?

3 MR. TRACER: Yes. Good morning, your Honor.

4 It's Daniel Tracer for the government and my colleague  
5 Rich Cooper is on as well.

6 Mr. Cooper, are you there?

7 MR. COOPER: Yes.

8 Good morning, your Honor.

9 THE COURT: OK. Good morning.

10 Is defense counsel on the line?

11 MR. BUCKLEY: Yes.

12 Good morning, your Honor.

13 Sean Buckley, on behalf of Marc DeMane, and with me on  
14 the line as well is Mr. DeMane.

15 THE COURT: OK. All right. Great. Were we expecting  
16 anyone else?

17 MR. TRACER: Not from the government.

18 THE COURT: Is Pretrial on the line? OK. We'll go on  
19 the record.

20 If I could please ask the parties to identify  
21 themselves for the record beginning with the government.

22 MR. TRACER: Daniel Tracer and Richard Cooper, for the  
23 government.

24 Good morning, your Honor.

25 THE COURT: Good morning.

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1 MR. BUCKLEY: Good morning, your Honor. Sean Buckley  
2 for Mr. DeMane. And I have Mr. DeMane on the line with me.

3 THE COURT: OK. Good morning.

4 So, I asked for this conference and I just had a  
5 question. I don't, as an overall matter, don't have an  
6 objection to the proposal put before me with regard to  
7 modifying Mr. Debih's bail but I had a question about, is there  
8 or does the government sometimes enter into agreement related  
9 to a defendant's agreement not to fight extradition should that  
10 become necessary from whatever country a defendant may be  
11 traveling to?

12 MR. TRACER: We sometimes do consider those waivers of  
13 extradition. I am familiar with what your Honor is talking  
14 about. We had discussed that here. And just to be very frank  
15 about it, we don't think that in this context it would be  
16 enforceable and so, we just didn't think there was any reason  
17 to do it.

18 THE COURT: OK. And when you say it wouldn't be  
19 enforceable, I know that in some context is that because it  
20 wouldn't be enforceable in whatever country Mr. Debih is going  
21 to?

22 MR. TRACER: Correct. In Serbia it is our  
23 understanding -- I am speaking with others in the department --  
24 that that would carry little, if any, weight in extradition  
25 proceedings there and so, we didn't want to go down that road.

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1 THE COURT: OK. All right. I don't know what those  
2 things -- I've seen them. I don't know what they require in  
3 terms of approval internally or in the state department or  
4 otherwise, but I will take your representation, Mr. Tracer, and  
5 what I will do is -- but I take it, let me ask Mr. Buckley  
6 this -- that but for the issue with regard to enforceability of  
7 such a document, am I correct that Mr. Debih would -- well, let  
8 me ask, would Mr. Debih, does he consent, even if there is no  
9 extradition, would he consent to, in other words, even if the  
10 country wouldn't find any weight to it, I just want to assure  
11 myself that he wouldn't object to any procedures to bring him  
12 back to the country if that happened.

13 MR. BUCKLEY: Yes, your Honor. We can state that  
14 without qualification and we were prepared to waive if  
15 necessary. But as Mr. Tracer notes, I think both the  
16 government and the defense don't think that that is an issue  
17 here but if it were to come to that, we can represent without  
18 qualification that Mr. DeMane would waive any objection.

19 THE COURT: OK. Thank you, Mr. Buckley.

20 All right. So, I will take care. I'll take a look at  
21 the letter and see if all is necessary is me endorsing and I'll  
22 do that if I need to do an order to modify the terms of  
23 Mr. Debih's bail, I will do that. And I'll try and get that  
24 done today or tomorrow. OK?

25 MR. TRACER: Yes.

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1 MR. BUCKLEY: Thank you, your Honor.

2 The only additional request from the defense would be  
3 that we have an opportunity to redact this transcript, if  
4 necessary, at least insofar as it identifies where Mr. DeMane  
5 will be residing.

6 THE COURT: That's fine. And so the transcript will  
7 for the time being will remain under seal until such time as  
8 the government and defense can review it to make any  
9 appropriate redaction and that was Mr. Buckley; is that  
10 correct?

11 MR. BUCKLEY: That's correct. I'm sorry, your Honor.

12 THE COURT: OK. All right. Is there anything else  
13 that we have to deal with?

14 MR. TRACER: Nothing else from the government.

15 THE COURT: OK. From the defense.

16 MR. BUCKLEY: Nothing else from the defense.

17 Thank you, your Honor.

18 THE COURT: Great. Thank you very much.

19 We'll stand adjourned.

20 (Adjourned)